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In re Application of :
Bert L. Fransis :
Application No. 10/618,448 :
Filed: July 10, 2003 :
Attorney Docket No. RFM-10 US :

OFFICE OF PETITIONS

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Additionally, after careful review of the application file, it was noted that an issue fee transmittal was received in the USPTO on December 7, 2004.

In view thereof, the Notice of Abandonment mailed on January 31, 2005, was mailed in error and is hereby withdrawn.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.



Karen Creasy
Petitions Examiner
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cc:

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